

By: Flynn

H.B. No. 1607

A BILL TO BE ENTITLED

AN ACT

relating to compensation and employment benefits for members of the Texas State Guard called to state active duty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 431.082, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) A member of the Texas National Guard [~~state military forces~~] who volunteers to perform training or other duty solely under state authority may not receive salary or allowances from the state for the duty unless the adjutant general authorizes the payment, but may be reimbursed for lodging and meals as authorized by the General Appropriations Act if the adjutant general authorizes the payment. Training or duty without pay is considered for all purposes as if it were training or duty with pay.

(c) When the adjutant general authorizes payment for training or other duty under Subsection (b), a member of the Texas National Guard [~~state military forces~~] performing the training or other duty is entitled, during the period of the training or other duty, to receive pay and allowances as provided by law for the United States Armed Forces, except that the pay may not be less than the reimbursement for lodging and meals authorized by the General Appropriations Act. This pay is an emolument for training or other duty and is salary or base pay. The pay and allowances may not be

1 reduced because of food, shelter, or transportation that the state  
2 pays or furnishes in connection with the training or other duty.

3 (d) A member of the Texas State Guard called to state active  
4 duty is an employee of the state while on state active duty. The  
5 adjutant general shall pay members of the Texas State Guard called  
6 to state active duty according to Chapters 654 and 659 and the  
7 salary schedule in the General Appropriations Act for state  
8 employees. If the length of state active duty exceeds 45  
9 consecutive days, the adjutant general may pay the members of the  
10 Texas State Guard called to state active duty up to 140 percent of  
11 the amount authorized under the salary schedule in the General  
12 Appropriations Act.

13 SECTION 2. Section 1551.1055, Insurance Code, is amended by  
14 adding Subsection (e) to read as follows:

15 (e) This subsection applies only to a member of the Texas  
16 State Guard who is called to state active duty. Notwithstanding  
17 Subsection (a), eligibility under Section 1551.101 begins on the  
18 first day that a member of the Texas State Guard is called to state  
19 active duty.

20 SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2009.